

Before the  
**Federal Communications Commission**

Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Application of )  
DAVID A. RINGER )  
Application for Construction )  
Permit for a new FM Station, )  
Channel 280A, Westerville, )  
Ohio )

File No. BPH-911230MA

TO: Chief, Mass Media Bureau

**FURTHER RESPONSE TO INFORMAL OBJECTION**

David A. Ringer ("Ringer"), by his attorney, hereby submits a further response to the "Reply to Response to Informal Objection", filed by WTTF, Inc., licensee of station WTTF-FM, Tiffin, Ohio, ("WTTF") on September 23, 1992.

In its reply, WTTF alleges that Ringer is impermissibly short-spaced to WTTF and "only if Ringer had proposed a maximum 3 kW E.R.P., as was available to former station WBBY, would there be no additional restrictions on WTTF." WTTF's argument is without foundation.

In his application, Ringer expressly specified that his facility would be short-spaced to WTTF. Ringer also clearly stated that he was employing a directional antenna that would result in his facility not exceeding 3 kW at 100 meters above average terrain, or equivalent, in the direction of WTTF.

Since Ringer's application did not meet the spacing requirements outlined in Section 73.207 of the Commission's Rules with regard to WTTF, Ringer employed the provisions of

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Section 73.213(c)(1) of the Commission's Rules with respect to WTTF. In addition, contrary to WTTF' assertion, Ringer's application did not require the consent of WTTF pursuant to Section 73.213(c)(2) since his proposed facilities do not exceed 3 kW at 100 meters above average terrain, or equivalent in the direction of WTTF. Attached to this pleading is an affidavit and engineering statement by Ringer's engineer in response to WTTF's allegations.

WHEREFORE, WTTF's "Reply to Response to Informal Objection" should be dismissed without further consideration.

Respectfully submitted,  
**DAVID L. RINGER**

By: 

Arthur V. Belendiuk  
His Attorney

**SMITHWICK & BELENDIUK, P.C.**  
1990 M Street, N.W.  
Suite 510  
Washington, D.C. 20036  
202-785-2800

RINGER/SCB/FURTHEROBJ

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FEDERAL COMMUNICATIONS  
OFFICE

**ENGINEERING STATEMENT IN  
SUPPORT OF FURTHER RESPONSE  
TO INFORMAL OBJECTIONS**

**David A. Ringer  
Westerville, OH**

**September 25, 1992**

**Prepared for: Mr. David A. Ringer  
1000 Urlin Avenue  
#1017  
Columbus, OH 43212**

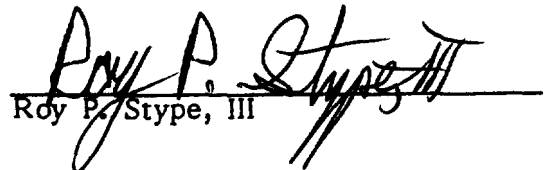
**CARL E. SMITH CONSULTING ENGINEERS**

ENGINEERING AFFIDAVIT

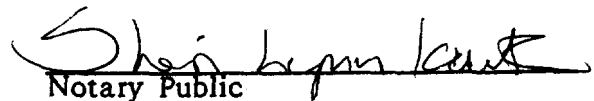
State of Ohio                    )  
                                      )  
County of Summit            )     ss:

Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by David A. Ringer to prepare the attached "Engineering Statement In Support of Further Response to Informal Objections."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.

  
Roy P. Stype, III

Subscribed and sworn to before me this    25th            day of **September**, 1992.

  
Notary Public

SHERI LYNN KURTZ, Notary Public  
For the State of Ohio  
My Commission Expires June 14, 1995  
Recorded in Summit County

/SEAL/

————— CARL E. SMITH CONSULTING ENGINEERS —————

## ENGINEERING STATEMENT

This engineering statement is prepared on behalf of David A. Ringer, applicant (BPH-911230MA) for a construction permit for a new FM station on Channel 280A in Westerville, Ohio. It supports a further response to informal objections filed against this application by the licensee of WTTF-FM - Tiffin, Ohio, which operates on Channel 279B.

The site proposed in the Ringer application coincides exactly with the reference coordinates for this allotment. Because this allotment fails to comply with the 6 kilowatt spacing requirements outlined in Section 73.207 of the FCC Rules with regard to WTTF-FM, applicants for this allotment are permitted to employ the provisions of Section 73.213(c)(1) of the FCC Rules with respect to WTTF-FM. The facilities proposed in the Ringer application fully comply with this rule section, since the spacing requirements outlined in this section are met toward WTTF-FM and the facilities proposed in the direction of WTTF-FM do not exceed 3 kilowatts at 100 meters above average terrain, or equivalent. This same rule section also permits WTTF-FM to employ this same reduced spacing requirement toward the Westerville allotment and any application for this allotment which does not comply with the spacing requirements of Section 73.207 of the FCC Rules with regard to WTTF-FM. Thus, since the Ringer application specifies the reference point for this allotment, it is unquestionable that the site proposed in the Ringer application imposes no additional restrictions on WTTF-FM than does the existing vacant allotment for Westerville.

The facilities proposed in the Ringer application do not require the consent of WTTF-FM pursuant to Section 73.213(c)(2) of the FCC Rules, since the proposed facilities do not exceed 3 kilowatts at 100 meters above average terrain, or equivalent, in the direction of WTTF-FM. This consent would be required only if facilities exceeding this limitation were proposed in the direction of WTTF-FM.

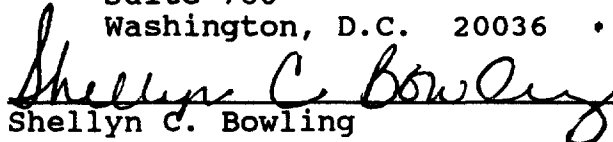
Based upon the above information, the facilities proposed in the Ringer application fully comply with the applicable protection requirements toward WTTF-FM, and all other stations. Thus, the informal objections filed against this application are totally without merit.

**CERTIFICATE OF SERVICE**

I, Shellyn C. Bowling, a secretary in the law firm of Smithwick & Belendiuk, P.C., certify that on this 28th day of September, 1992, copies of the foregoing were mailed, postage prepaid, to the following:

Roy J. Stewart, Esquire\*  
Chief, Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Room 314  
Washington, D.C. 20554

John S. Neely, Esquire  
Miller & Miller, P.C.  
1990 M Street, N.W.  
Suite 760  
Washington, D.C. 20036 •

  
Shellyn C. Bowling

\*by hand